

### REMARKS

Upon entry of the present Amendment, claims 1-14, and 16-37 will be pending. Of the pending claims, claims 1-8, 12, 13 and 34-35 have been withdrawn. Claims 9-11, 14, 16-33, 36 and 37 are currently being examined. Claim 15 has been cancelled. No new matter has been introduced into the above-identified application.

### The Interview

Applicant thanks the Examiner for the gracious and helpful interview granted by the Examiner. At the interview, the Brose reference was discussed and it was pointed out to the Examiner that Brose neither teaches nor suggests a structure that would allow the formation of an electrical connection nor does Brose teach or suggest the presence of a rivet section. In the Interview Summary, the Examiner suggested that claim 9 be amended. The substance of the Examiner's remarks are summarized as follows in the Interview Summary Record:

“The case is currently under a non-final rejection. Claim 9 was discussed, and more specifically, it was tentatively agreed (depending on the ultimate amendment) that incorporating structure from claim 15 (the tubular guide section. ring gap between the guide section and the rivet section, the guide section projecting beyond the free end of the rivet section), in addition to functional language regarding the tubular rivet section capable of being pushed outward when an die member is used would differentiate the claimed invention from the prior art of DE 196090252.”

Applicant has amended claim 9 in a manner suggested by the Examiner. The limitations added by applicant to claim 9 provide a description of the tubular rivet section element which clearly differentiates this element from the stepped bush (3) including the fastening section (31 of the Brose citation).

### Rejection Based on Prior Art

The Examiner has rejected claims 9-11, 14-33 and 36-37 under 35 USC §103(a) as allegedly being unpatentable over DE 196 090 252 (Brose), in view of Muller, US Patent No. 7,160,047.

Applicant respectfully traverses this rejection.

Claim 9 recites “a tubular rivet section.” The Examiner has equated the tubular rivet section to the fastening section (31) of Brose. Applicant respectfully disagrees with the Examiner’s interpretation of the Brose citation.

A fastener can include a rivet, a nut, a bolt, a clamp, a clip, etc. However, the stepped bush (3) including the fastening section (31) of Brose does not disclose a fastener having a tubular rivet section as a rivet section is normally defined and understood by one having ordinary skill in the art.

In Brose, a cutting tool (130) is required to cut a peeled region (32) of the fastening section from the stepped bush (3). The tubular rivet section does not require a cutting tool, because it is bent by a pressing force.

Applicant urges that the fastening section of the Brose citation does not teach nor suggest the tubular rivet section of the fastener element of any of the present claims including claim 9. The Examiner should note that claim 30 clearly requires a rivet connection.

Applicant also urges that the Examiner has incorrectly disregarded the preamble of the present claims. The instant preamble cannot be ignored since there is a clear nexus between the preamble and the body of the claims and the preamble adds life and meaning to the claim.

As noted previously, the object of the present element and the problem solved in the present invention is to permit a high quality electrical connection between an electrical

connection device such as a spade terminal and a sheet metal part, via a hollow fastener element which is riveted to the sheet metal part.

The act of riveting a hollow fastener element to a sheet metal part, as opposed to the attachment means of the Brose citation, ensures a sufficient deformation of the sheet metal part, particularly in the area of the rivet connection and in the area of the features providing security against rotation, that an electrical connection of good quality is ensured between the hollow fastener element and the sheet metal part.

A problem with such resulting component assemblies is that they are frequently coated either with a layer of thin oil for corrosion protection or possibly already painted so that an electrically poorly conducting film of oil or paint is present on the element. It is very difficult to ensure a high quality electrical connection to the element and thus via the element to the sheet metal part. On the one hand, the part may need degreasing if a film of oil is to be removed (and then there may in any event be a thin layer of rust which prevents a high quality electrical connection) or a layer of paint has to be removed from the hollow fastener element to ensure that a good electrical contact is achieved there between an electrical connection device terminal and the element. Such scraping away of a paint layer is completely unreconcilable with modern production methods. It is basically a hand operation and takes a relatively large amount of time. If it is done badly, then again there is only a poor electrical connection. In contrast, the person skilled in the art recognizes that it is much easier to keep the bolt used to secure the electrical connection device or spade terminal to a hollow fastener element metallicity clean and, if this is an element which cuts its own thread, then a good contact can be achieved between the head of bolt and the electrical connection device or spade terminal. Moreover, a very good electrical connection can also be achieved between the thread of the bolt and the hollow fastener element,

since the act of the bolt cutting its own thread in the hollow fastener element ensures that the metal is scraped away here and there is a good metallic transition is achieved between the bolt and the hollow fastener element, and thus a good electrical connection.

The addition to claim 9 emphasizes this problem and its solution. Claim 9 not only has a preamble statement but it also has other features in the body of the claim which complement the preamble and distinguish the present invention from Brose alone or in combination with Mueller.

In claim 30, the electrical connection between the fastener element and the sheet metal part is spelled out in lines 5 to 7 of the claim and, with the additions to claim 30, the electrically conductive path through the component assembly is completely clear.

Applicant disagrees with the Examiner's comments concerning Brose.

Brose itself says nothing about a mount for the rotationally secure attachment of an electrical connection device. Instead, the reference numeral 33 is a peeled region of the stepped bush formed by an annular cutting tool 140, the annular cutting edge 141 of which bites into the stepped bush and forms the outwardly peeled region 33. It is neither a mount for an electrical connection member nor is any electrical connection device provided or even mentioned in Brose. It is also difficult to see how a peeled region such as 33 could ever function as a mount for an electrical connection device and in any event this is simply not what is suggested in Brose. The peeled region 33 simply serves to secure the component 10 (actually stated to be a cable pulley) on the bolt member, with the cable pulley actually being rotatable around the axis of the bolt member.

Moreover, the Examiner incorrectly interprets Fig. 4 as showing a thread cutting or a thread forming screw. There is nothing in the corresponding description of Fig. 4 in Brose which supports such a contention. A thread is simply illustrated there with the normal drawing

convention of two parallel lines and Brose itself says nothing about how the thread is formed. If nothing to the contrary is said, then it would normally be assumed that the thread was cut with a thread cutting tool and thereafter a normal screw is engaged with it. It should be noted, however, that such a screw is not then a thread cutting or thread forming screw and would not necessarily ensure a good electrical connection at this point. It all depends on how contaminated the thread is before the bolt is screwed to it. In a production situation, for example in making motorcar bodies, where every motorcar is supposed to have an electrically conductive connection at the same point, it would be impossible to rely on a precut thread into which a normal bolt having a thread part is screwed which is not a thread cutting or thread forming thread. Only the use of a thread cutting or thread forming thread will ensure that metallically clean surfaces engage one another and ensure the desired electrical connection at this point.

Applicant submits that the Examiner's analysis of Brose is incorrect and applicant requests reconsideration of the rejection on this ground. Applicant also urges that even a combination of Brose and Muller does not actually lead to the presently claimed invention. Muller also does not show the use of a thread forming or thread cutting screw and is also not concerned with providing an electrical connection. In fact, the only mention of an electrical connection in Muller is to be found in column 8, lines 10 to 18 where it is stated that the auxiliary joining part can be a plastic part and can, if required, be provided with a metallic coating (for example for decorative purposes or to ensure electrical conductivity). There is however no reference to an electrical connection between an electrical terminal and a sheet metal part.

The Muller reference also only contains one reference to a thread forming or cutting screw and indeed at col. 18, lines 49 to 54, where it is simply mentioned that the hollow body

element can also be designed for use with a thread forming or thread cutting screw. This disclosure, however, does not amount to recognition that the use of a thread forming or thread cutting screw generates an electrically conductive path between the screw and the hollow body element. This is also an important recognition underlying the present invention.

In view of the foregoing amendments and arguments, Applicant respectfully submits that the above-referenced application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,  
Jiri BABEJ

/Eugene C. Rzucidlo/  
\_\_\_\_\_

Eugene Rzucidlo  
Reg. No. 31,900

Abraham HersHKovitz  
Reg. No. 45,294

Date: September 21, 2010

HERSHKOVITZ & ASSOCIATES, LLC  
2845 DUKE STREET  
ALEXANDRIA, VA 22314  
703-370-4800 (telephone)  
703-370-4809 (facsimile)  
patent@hershkovitz.net

PZ119487CIP.A05; AH/GR/ac